

The Reasonableness
O F
TOLERATION
A N D
The Unreasonableness
O F
Penal LAWS
And Tests.

Wherein is prov'd by Scripture,
Reason and Antiquity, That *Liberty of Con-
science* is the Undoubted Right of every Man,
and tends to the Flourishing of *Kingdoms* and
Commonwealths; And that *Persecution* for meer
Religion is Unwarrantable, Unjust, and De-
structive to Humane Society.

With Examples of both kinds.

Offer'd to the Consideration of a Person of Honour.

L O N D O N:

Printed for *John Harris* at the *Harrow* against
the Church in the *Poultry*, 1687.

James Booth his
Book 1736



*The Reasonableness of Toleration,
and the Unreasonableness of Penal
Laws and Tests, &c.*

IT has been for many hundreds of years the main Scope and Aim of the Clergy in most Opinions; to grasp into their Clutches the exercise of Temporal Jurisdiction; & as in former times, so now of late our Church of *England* Men, have not been the least ambitious of that Authority: 'Tis true, the Clergy of *England* could never fix such Jurisdiction in themselves: but what they could not perform by their Spiritual Authority, they brought to pass by the assistance of the Civil Power. They found that the Scripture, had not given them the least title to lord it over the Consciences of Men in matters of Religion, nor had left them any weapons to combat Dissenters in Opinion, nay even Error it self, onely Christian Admonition; and at last, when that would not prevail, Publick Separation from Communion with such as obstinately persisted in defiance of the Truth. For this reason they never ceased to Amuse and Alarm the Civil Magistrate with continual Suspicions and Fears, to render him jealous of all other Men that were not conformable to their Humours and Ceremonies. A passionate conceit of their own Perfection

above others, which no man of common sence can be reconciled to, and a convincing argument that those Persons must have but little or no Conscience themselves; who with so much Vigor and Obstinacy labour to uphold a Civil Persecution so directly opposite to all the dictates of Scripture, Reason, and Conscience.

As for Scripture, the Authority of it is so evident to the contrary that nothing can be more, where it instructs the Servants of God, to *be gentle to all men*, forbids Christians to *Judge one another*, and tells us, that every man is to *stand or fall to his own Master; that one man esteems one day above another, and another esteems all days alike*; yet happy is he who *condemns not himselfe in that which he allows*: That is to say, whose Conscience does not inwardly accuse his outward profession: The same great and zealous Preacher of the Gospel, in the case of the unbelieving Wife and Husband, gives such a mild and condescending answer, as if he had taken his Pen from a Doves wing; Let neither Her nor Him that unbelieves depart, if pleased to stay; for that God had called us to peace; adding withal, that as *God has called every one, so let him walk*; and so he ordained to all the Churches: Certainly there could be nothing more divinely uttered to oblige the Professors of Christianity, in Charity and Meekness to forbear one another, then such an express Injunction of so authentick an Apostle, to live peaceably with an Infidel. Nay, writing to the Christians, he absolutely denies that even the Apostles themselves, have any Sovereignty over the Conscience, but only commissions to aid and assist their Consciences: *Not* (says he) *that we have dominion over your Faith, but are helpers of your Joy*: Altogether conformable to that Doctrine of Meekness wherein Christ instructs his Disciples, not to aspire to the Title of *Rabbi*, or *Master*, in
avoid
Spiritual

Spiritual Affairs: besides that we are admonished to let the Tares grow among the Wheat, till the time of Harvest.

Nor is it for any man to suggest, that this mild and moderate Temper was only intended for those Primitive Times, when the Christians were liable to Persecution without any Temporal Power to defend themselves: For let the choicest Champions but grant that those were the best and purest times, and then it will behove them to shew a Dormant VVarrant in the Scripture, by which *Christ* ever gave Commission to his Disciples to cut the Throats of all Dissenters, or to despoil them of their Estates, and send them to perpetual Banishment, and they have done their work: But if they can bring no such authority, they must acknowledge that Lording o'er the Conscience is an unwarrantable piece of Tyranny over the Rights and Liberties of a Christian.

True it is, that the Successors of *Constantine* were taught by their Ecclesiasticks, that there were two Duties required from them; one as Christians, the other as Sovereigns: that as Christians, they were bound to obey divine Precepts, as every private man is bound to do; but as Princes, to make good Laws, and keep their Subjects steady in the practice of Piety, Honesty and Justice, chastizing the Transgressors of his sacred Laws, especially the Decalogue. And because they who transgressed against the first Table, which relates to divine worship, were worse then they who transgressed against the Second, which relates only to Justice between Man and Man, therefore Princes were oblig'd to punish Blasphemy, Perjury, and Heresy, more severely then Murder or Theft.

As for Blasphemy and Perjury, there was reason
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sufficient why they should be punished by civil Penalties. For Blasphemers and Perjured Persons cannot be thought to be men of Conscience, nor are they that take that Liberty to be endured, for that Blasphemy and Perjury are criminal in all Religions, and differing opinions whatever, as being contrary to good manners, and contaminations of civil Society; but it does not follow from hence, that every man must be punished as a *Heretick*, who differs in his judgement from the Church of *England*. Certainly it must be first agreed upon, what a *Heretick* is, and who is that *Heretick*, and which is that Law that reaches his offence, before they can punish him by any Law. Now those things that make a *Heretick*, are Errors in Fundamentals or about Fundamentals, Conviction and Contumacy; And they are *Hereticks*, who obstinately and against the most evident light of Truth, defend some doctrine directly or of necessary consequence tearing up the foundations of Christian Faith. The Church of *England* therefore should have made it out, that the *Dissenters* and *Roman Catholicks* were *Hereticks* of this sort, Convicted and Contumacious; and then all they could do, was to put them under Excommunication, not to torment their Persons and Estates, with Mulcts, Imprisonments, Fines, and Sequestrations, which how dissonant it is from the Golden Rule of God Himself, still preferring Mercy above Sacrifice, is evidently apparent. The character of *Menelaus* in the second of *Maccabees* is, that he was unworthy of the Priesthood, as one that had the Fury of a cruel Tyrant, and the Rage of a savage Beast. Conformable to which, was that of *Cicero*, quoted by *Lactantius*, It is the most miserable thing in the world, (says he) to carry a savage and cruel disposition under the shape of a man. It is said that *Diana* of the *Scythians*, had a Temple and an Altar near the entrance into the lake *Meotis*, upon which it,

was

was the custom of the *Heathens* to Sacrifice the Bodies of living Men; a Cruelty little differing from the severity of those People that seem to make their Interest their *Scythian Diana*, and living Men the Sacrifices to their Ambition, and the support of their Spiritual Grandeur. Yet this must be the main design of those that study thus the destruction of all other Mortals but themselves within the Verge of their Jurisdiction; which as it is a great Argument of a Spiritual Arbitrary Government, so is it at the same time a sign of no less Presumption for a particular number of Men, enclosed within the narrow Circle of *Episcopacy*, compar'd with those vast multitudes of *Dissenters* and *Roman Catholics*, that under various names of distinction invented by their Adversaries, spread themselves over the fourth part of the World, to arrogate to themselves to be the only Flock of Christ; and that they are the only Pastors who have power to drive men to Heaven; for this is to disclaim the Popes Supremacy, and usurp it to themselves; to Preach down one Antichrist, and set up six and twenty: For if Meekness, Mildness, Unity, Peace, and Concord, are the Vertues that embellish Christian Jurisdiction; Cruelty, Rigor, Persecution and Violence, must be the marks of Antichristian Tyranny.

They therefore that so vehemently Persecute the Professors of Christianity, because they either doubt or happily err in some particulars that will admit of Ambiguity, and which it may be, have been otherwise understood in former Ages, are most unjust. For we find that the Antient *Jews* did never Punish the *Sadduces*, tho they denied the Doctrine of the Resurrection. For that tho it were most true, yet then it was but only glanced at in their Law, and not taught at all, but covertly under Types and Figures. But sup-

posing the Errors to be such, as among equal Judges might be easily confuted, both by the Authority of the Scriptures, and the common Consent of the Fathers; Nevertheless the great strength of an overgrown Opinion is to be considered, and how the Endeavours of Men to defend their own Sects, diminishes the strength and liberty of their judgments. A Man will sooner part with any thing than his Opinion: An Opinion, says *Chrysostom*, that has taken deep root through Custome, is hardly to be removed: for that there is nothing that we alter with more unwillingness than our Customes in Religion. But whether this different Opinion be an Error, and how it is to be Punished, he only can without danger judge, who is the Eternal Judge, who alone knows the true measures of Knowledge and the proportion of Faith. Let them Rage against you, says *St. Austin* concerning the *Manichees*, who can presume to be without Errors themselves; for my part I neither can nor dare, for I ought to bear with you as others did formerly with me, and to treat you with as much Patience, Meekness, and Gentleness, as they did me, when I was blindly carryed away with your Errors. *Religionis non est Religionem cogere*, says *Tertullian*; And *Athanasius* also highly blames the *Arrians*, because they were the first that call'd in the Civil Power to their Assistance against their Antagonists, and that endeavoured by Force, Stripes, and Imprisonments, to draw such to themselves, whom they could not win by the strength of their Arguments. *Gregory*, Bishop of *Rome*, writing to the Bishop of *Constantinople*, said that it was a new and unheard of manner of Preaching, to enforce Faith by Stripes and Punishments. History also affords us the Examples of several *French* Bishops, who were condemned by the judgment of the Church for calling in the

the Civil Power against the *Priscillianists*; and of a whole Council in the East that was Condemned for consenting to the Burning of *Bogomilus*. Conformable to the sayings of *Plato*, The Punishment of him that Errs, is to be *Instructed*. And of *Seneca*, That no wise man ever hated those that Erred; for if so, he must necessarily sometimes hate himself: And therefore the Emperour *Valentinian* is highly commended, because he never Persecuted any man for his Religion, nor ever commanded this or that to be Adored; nor forced his Subjects to Embrace his own manner of Worship.

Infinite are the sayings of the Primitive Fathers and Men of Learning, their Successors, who have all along condemned the forcing of Conscience, or compelling Men to do a thing which is contrary to their Conscience, or to abstain from such Exercises as they in Conscience esteem necessary and profitable for their Salvation: all centring in the utter detestation of all manner of Violence and Imposition in matters of Religion. A Maxim which not all the Usurpations of Ecclesiastical Persons have bin able to corrupt. And therefore it was the saying of *Montluc*, a *Roman Catholic*, and Bishop of *Valence*, That the Rigors of Torments was never to be practized towards People who had no other Crime but only a Persuasion which they thought to be good and pious. *Peter Martyr* speaking of the Power of the Church, It is her Duty, says he, to correct Sinners, not with the Sword, not with Penal-Laws or Fines, not with Imprisonment or Exilement, but after her own Method, by the Efficacy and Power of the Word.

It is said of *Maximilian* the Second, Emperour of *Germany*, That tho he persever'd to his death a *Roman Catholic*, yet he was never the less disesteemed by the

Protestants; for that in matters of Religion he observed an exact Moderation between both Parties, and never ceas'd till he had obtain'd the use of the Cup in the *Eucharist*, for those of his Subjects that desir'd it. The same Emperour also gave this Advice to *Henry* the Third of *France*, then returning out of *Poland*, to quiet all disturbances in his Kingdom at his first Entrance into it; according to the Example of his Father *Ferdinand*, who after he had long toyl'd and labour'd in the Reign of *Charles* the V. to appease the troubles in *Germany*, and settle the differences about *Religion*, when he found the Minds of the People more provok'd, then any remedy obtain'd by force and violence, with the Consent and Applause of all the Orders of the Empire, made those favourable Concessions, which when nothing also would do, restor'd Tranquillitie to the Empire.

More Remarkable was that saying of *Henry* the Third of *France* Himself, upon his Death-Bed, after he had received his Deaths wound from *Clement* the Monk, Nor let the cause of Religion deter ye: This Error long possess'd me, and drew me into inextricable Mistakes. The pretence of *Religion* hurried us into Faction. Leave that to the judgment of the Orders of the Kingdom, and keep this in your Minds as a fix'd and constant Maxime, That *Religion*, which is inspir'd into the Minds of Men by God, cannot be commanded by Men. Nay, *Pius* the Fourth, tho none of the best of Popes, yet being Solicited by the *French* Embassador for the use of the *Eucharist* in both kinds, had so much kindness for Toleration, that he gave for answer to the Embassador, That he had always thought the use of the Sacrament in both kinds, and liberty for the Priest-hood to Marry, were things indifferent, and as depending rather upon the Decrees of the Fathers, then

then upon Divine Authority, might be altered according to the constitutions of Times, and alteration of Customes.

And in the Council of *Trent*, several of the wisest and chiefeſt of the Prelates ſtiſſly argu'd againſt the Prohibition of the Uſe of the Cup, affirming thoſe to be void of Chriſtian Charity, who ſtood ſo ſtrictly and ſo nicely upon a particular Ceremony, the granting of which might prevent the Effuſion of much Blood, and recover into the Boſom of the Church many that were fallen from Her.

And thus what Scripture and Humane Authority juſtify, Common Reason is no leſs ready to uphold. For firſt, If the word of God be the ſole Rule of *Faith*, and no Humane Authority be ſo highly impowr'd as to bind up our Aſſents to whatever Interpretations ſhall be propos'd, then of neceſſity it follows that every Chriſtian indifferently has an equal Intereſt in the will of the Creator, ſo that no particular Perſon has a right to impoſe a force upon the judgment of his Brother. Thus one holds the Baptizing of Infants to be neceſſary; another deems it lawful; a third denies both theſe Opinions, yet admitting that it may, but that there is no neceſſity it ſhould be done; therefore they conſerr Texts, and examine the Original; yet after all diligence uſed, they ſtill are but where they were. Now what reaſon can there be to adviſe Perſecution for ſuch a difference as this?

Besides, There are ſeveral Diſputes upon various Points of Chriſtianity, that cannot be cleared to any man by Arguments meerly natural, as being matters of Fact, ſuch are the Miracles and Reſurrection of Chriſt, the Real Preſence, &c. For the belief of which therefore, there is a need of *Faith*, which is the Gift of Grace, and not of Nature: which being ſo, and ſeeing more-over

that it is not within the power of Man to give a reason why some Men believe, and others are of a contrary Opinion; it cannot fall under the Imagination of Man, that either the defect or surplussage of belief, which may perhaps glide into Superstition, which of the two so'ere be the cause of the difference, should be subject to the Punishment of Human Laws; for tho both have the same outward helps and means to inform themselves, yet the potent cause is in the will of God; *who will have Mercy upon whom he will have Mercy, and whom he will he hardens.* And therefore for this cause it was that *Tertullian* avers that the New Law of the Gospel does not call for the Sword to revenge the Injuries done it. And *Sisibutus* King of *Spain*, was justly tax'd for compelling the *Jews* to Christianity by the coercive power of the Sword, when he ought to have won them to the *Faith* by meek and gentle Perswasions.

In the next place this violent and rigorous Proceeding and tyrannizing over the Consciences of Men, is contrary to the purpose of God in the Order of the Creation, who made and ordain'd all Man-kind free from Bondage, and never advanc'd him over all the Works of his Creation, to be a contemptible Slave to the Will of his fellow Creature, even in things Temporal; much less in matters Spiritual and relating to Eternity. So that this same actual Violence of Imposing by force in matters of *Faith*, *Worship* and *Duty* to God; of one Man upon another, or of some Persons over all, is an Act of the highest Presumption imaginable, that goes about to subdue to Bondage and Slavery, those that are Created by God to equal Priviledges and Immunities with themselves; subjecting them by Oppression, not to the Divine Will of the Creator, but to the Will, Ambition and Interest of Mortal Creatures, no less fraile and subject to Error
then

then they over whom they affect illegal Dominion. A thing which is quite contrary to the most pure and perfect order of the Creation, which was altogether blessed. From which whatever is degenerated by Corruption, or has deviated by Temptation from that pure and regular Order, either in things Temporal or Divine, must be included within the curse of Sin, and be lookt upon as an opposing the Creator himself. And of this nature, is Compulsion exercised in Spiritual matters; as being the highest product of degenerate Usurpation, and the grandest swerving imaginable from the chief design of the Creation. For without all question, the Creator himself reserved and retained in his own power alone, the privilege of Supremacy over the Inward Man, in all matters touching Immortality, that he might be the only Lord in that case, to give Spiritual Laws, and to command the Souls and hearts of men, in reference to his own Worship, and that Obedience which is due to himself; so that of necessity it must be a Usurpation of the Creators rightful Dominion, a robbing Him of his Dignity and Prerogative, an act of Violence against his Sovereignty, and a bold intruding into his proper Right, for any Persons to assume to themselves Dominion and Authority over others, by Commanding and Imposing in Spiritual matters upon their Consciences, in the Worship and Service of God.

Add to this that Force is Punishment, and consequently unjust, unless the offence be voluntary: but he that believes according to the evidence of his own Reason, is necessitated to that Belief, and to compel him against it, were to compel him to renounce the most essential part of man, his reason: And that same injunction would be altogether vain, *To hold fast that which is found to be best*, if after the most serious and deliberate

Electio,

Election, we must be whipt out of our Consciences by Penalties. 'Tis but odly done to Preach a company of poor Souls into just so much Liberty of Scripture as may suffice to beget their torture, and not permit them to rest where they find their satisfaction : Either utterly prohibit the search, or let them enjoy the benefit of it. To believe what appears untrue, is somewhat impossible; but to profess what we believe untrue, is absolutely damnable.

Nor is it one of the least arguments against Compulsion of Conscience, that it breaks the bands of civil Society, and annihilates all manner of Love, Unity, Fellowship, and Concord among men. Neighbours are at enmity among Neighbours, Brethren with Brethren, and Families are divided among themselves. Princes and their Subjects, Rulers and their People are at discord and debates, that many times turns to absolute Disobedience and Rebellion; while the one labours to Impole, the other to keep off the Oppression. Men, says *Zenophon*, resist none with greater animosity, then those that affect to Tyrannize over their bodies; more especially such as seek to establish an illegal Dominion over their minds and Consciences. They contend *pro Aris* in the first place, and *pro Focis* afterwards; thereby preferring the Liberty of their Consciences, before the security of their Estates; which they rather choose to abandon, then to be deprived of their Spiritual Freedom. And this is, that which causes, and has caused so many thousands in this Nation to forsake their native Soyle, their Friends & Relations, to the decay of civil fellowship and Commerce, and out of a detestable Antipathy to their Oppressors, to seek for forraign Protection, under which to enjoy the more noble and agreeable pleasure of enjoying the free exercise of their Sentiments in Divine Worship.

Again

Again, *Grotius* tells us, That there never was any Sect that could discern all Truth, nor any but what held something that is True; as then they are to be favoured for what they hold of Truth, so are they not to be punished for what they maintain of mistaken Belief; since all men are free by nature to believe whatever they think to be Good and Honest. We cannot love God too much. Now supposing that the Clergy of *England*, may esteem the *Roman Catholicks* over zealous in some points of Worship which may be thought too Superstitious, what then? For Superstition does not sin in worshiping God too much, but in worshiping him erroneously; in point of which Error and consequent non-compliance with the Episcopal Tenents of the Church of *England*, these failings of theirs, are not to be squeez'd out of their Bones and Purfes, but to be reform'd by gentle Instructions and Convincement, according to the true duty of Bishops to Instruct, Perswade, Exhort and Reprove, but not to Command or Compel.

To what has been said, may be added the vanity of the Undertaking, it having been all along evinc'd by the stories of all ages, that forcing of Conscience, and Persecution for Religions sake, have not only become frustrate, but increased the number of those Sects and Divisions of which they sought the extirpation, and that the Sword, Exile, Fagot, Imprisonment, and heavy Fines, rather provoak then cure the obstinacy of reluctant Minds. For the conformation of which, we find from the beginning and for a long time the Christian Religion industriously opposed by the most Potent Adversaries, then ruling in the World, and Extirpation of it no less cruelly labour'd by the fury of *Ten Persecutions*; yet could not all that vast effusion of Blood put a stop to its progress, nor prevent its growing to such a Head, as at length to turn *Tyrannick Heathenism* with all her fantas-

fantastick Abominations, and false Divinities quite out of the World. The same may be said of the *Albigenses*, against whom the Fryers preached, the Inquisitors Plotted, the Princes made War, while the Pope accursed their Persons, and interdicted their Lands, yet for all the Pope could do, they could not be suppressed. And of the *Waldenses*, says *Thuanus*, tho they were toss'd from Post to Pillar, yet there were ever some found, who still in their several courses renewed their Doctrine, buried as it were for a season. For Sects and Opinions are like Books, which the more they are suppressed, the more they are sought after and care'd: And therefore *Tacitus*, speaking of the Annals of *Cremutius Cordus*, condemn'd by the Senate to be burnt, for advancing the Praises of *Brutus* and *Cassius*, relates that some indeed were burnt by the *Edils*, but more were preserv'd, and afterwards published. An argument (says he) sufficient that the vanity and madness of those men, is to be derided, who imagin by present Power to stifle the remembrances of future Ages: And the Author of the Council of *Trent*, speaking of the prohibition of Heretical Books, observes that it did more harm then good, while the Books being sought for as such, did but serve to raise and instill new doubts and scruples in the minds of the Readers. The same is to be said of the Persecutions of Men in their Bodies and Goods; for others observing the extream Patience and Constancy of so many People suffering for their particular Opinions in matters of Religion, become curious to understand what that Religion should be that inspires men with so much resolution to suffer the worst of Miseries, rather then abandon the Profession of it, which is the reason that Persecutors according to the Opinion of *Sirada*, though they are not concerned in tormenting, yet they dread the Triumphs of the Tormented at their Executions, for that

that it has been frequently known that one Martyr has made many Profelytes, by his resolute maintaining to the last, the Profession for which he dyed.

From hence we may proceed to shew the dreadful Effects and Mischiefs that have attended the Persecutions of tender Consciences in matters of Religion, which have generally prov'd most fatal, and in the end redounded to the greatest loss of the Persecutors themselves; for of all the *Roman* Emperours that exerciz'd those horrid Cruelties upon the Christians under their subjection, only *Trajan* and *Septimius Severus* dy'd a natural Death; for as for *Antoninus* the Philosopher, tho he suffer'd a Persecution in *Asia*, yet in other parts of his Dominions the Christians were unmolested, and served him in his Army, where they fought for him so effectually, as well with their Prayers as with their Swords, that he acknowledged to the *Senate*, as much hated as they were, that certainly the Christians had God for their Protector. All the rest came to untimely ends; either their own Executioners, or Murdered by their own Souldiers and Servants; tho none so remarkably punished for their Cruelties as *Valerian*, who being vanquished by *Sapor* the *Persian*, was by him made his Foot-stool when he took Horse, and at length was flead alive. What occasioned the *Cossack* War so prejudicial to *Poland*, but because the *Russian* *Polonians* of the *Catholic* Religion would have forc'd the *Cossacks* to the Observation of their Churches, and to that end have shut up the *Grecian* Churches? What occasioned the Revolt of the *Rustic's* in *Germany*, and the *Hussites* in *Bohemia*? What occasioned the *League* of *Smalcald*, and the cruel War that ensued, but the Oppression of the *Ecclesiasticks*? By which all that was got was this, that the Bloody *Ecclesiasticks* satisfy'd their Revenge with the slaughter of the poor People; while the other indulg'd

dulge'd their hatred, and Sacrific'd to their Antipathy the VVealth and Religious Structures of their Persecutors; and between both, whole Regions and Countries were depopulated and ruin'd. VVhat lost *Philip* the Second so fair a Portion of his Dominions, but his severity in forcing Conscience? But his bigotted Zeal to gratify the Interest of *Rome*, by suffering his Grand Executioner *Alva* to ride Triumphantly in the Chariot of the Abominated Inquisition, over the Necks of his tender-Conscienc'd Subjects, till he had by all manner of Torments disburden'd the Countrey of no less then eighteen thousand Innocent Christians.

The Reign of *Charles* the Ninth, deform'd with Civil VVars, with various success of Battel, with Seiges and Sacks of Cities and Towns, and havock of his Subjects, was rendered yet more infamous by the Parisian Massacre, then which, there never was a more Inhumane piece of Barbarity known among the Heathens themselves. But what was the Advantage of their Butchery? What the Issue of it to the King, after he had empty'd his Kingdom of ten thousand of his Subjects, among which five hundred all Persons of Quality? In the first place, upon too late a Consideration, a deep Repentance for having given his Consent, and a Resolution had he liv'd to have Punished his Advisors: then every Night his Slumbers interrupted with nocturnal Terrors, till having linger'd under most grievous and tedious Pains, and long perceiv'd his death approach before he dy'd; he ended his days a young Youth, in the 24th Year of his Age.

To omit the loss of the Low-Countries, by reason of the cruelty of the Inquisition, we find the People in all places the most devoted and accustomed to Ecclesiastical Rigour, mutinying even to Blood-shed, against the Torments of that Tribunal.

In *Naples*, *Peter of Toledo* the Viceroy, in Obedience to the Pope, would fain have brought it in; but when he began to put it in Execution, it caus'd such an Up-roar among the People, that it came to be almost a petty VVar between the *Commonalty* and the *Garrison*, wherein many were slain on both sides, so that the Viceroy was forc'd to desist in his design; neither has any offer been made to obtrude any such kind of Office upon that Kingdom ever since.

Even in *Rome* it self, the People detested the Cruelties of the Inquisition to that degree, that the Breath was no sooner out of the Body of *Paul* the IV. but that they went with great furie to the new Prison of the Inquisition, brake down the Doors and let out all the Prisoners therein detained, & could hardly be restrained from setting on fire the Church of the *Dominicans*, as being the Persons entrusted with the Execution of that rigid Employment. More then that, in detestation of the Inquisition, all earag'd, they forc'd their way into the Palace, and meeting the Popes Statue all of Parian Marble, and a noble piece of Workmanship, they cut off the Head and the right Hand, and for three days together kickt them about the streets, and made them the sport of the whole City.

Nor has *England* it self felt the least share of the Inconveniencies of Spiritual Persecution: where Acts of *Parliament* have been made use of only as Traps and Snares to dis-People the Nation. What false Crimes, were laid to the Primitive Christians by the flatterers of the Emperour *Sep. Severus*, to Incense him to the first Persecution, the same Accusations were lately thrown upon the *Dissenters*, of being Homicides, Turbulent, Sacrilegious, Traytors against *Cesar*, and in a word meer Canibals: And by vertue of which pretended Calumnies and meditated Slanders, the Ci-

vil Magistrate, out of the good Opinion he has of those that make the clamour, not presently discerns the Trapan which is put upon them to make Laws for the punishment of those Persons, over whom they have indeed no jurisdiction; till at length the ill use of those Laws better informs their judgement, and that they were imposed upon to frame Persecuting Statutes, and authorize Prosecutions, not to prevent disturbances in Government, but to gratifie the Pride and Ambition of their hot-headed Advisers; hence under pretence of Affection to the Civil Power, continual Plots and Treasons are discovered, and the discovery so well managed, that some are Hanged, others Fin'd, others condemned to long Imprisonment. Which Accusations, because they reach not many, therefore all the rest, as being Birds of the same feather, must suffer for their sakes; and the same pretences being still kept on foot for a Covert, they let fly the Arrows of their Indignation against the whole Body, and chastize the pretence, where they could not find any fact committed to punish. And indeed the grounds of the pretence are the only crimes committed against them; all that will not conform to their Ceremonies are supposed to be seditious Persons; none that go to Meetings and Conventicles can be Good and Loyal Subjects: and therefore all that will not Conform, or Refrain from going to Meetings, must be scourged with the scorpions of Ecclesiastical Censure and Excommunication; must be amerced at pleasure, Imprison'd till Submission, many to their utter Impoverishment, or till they pine away in Jayle: and they that would live peaceably and quietly under the Government, can have no rest in their own Families. Upon this thousands take their flight beyond Sea; and draw off their Estates, by which means the Kingdom is depopulated, the Manufacture of the Nation carryed

ryed into forraign Countries, and the Prince loses the Assistance of the Wealth and Persons of so many of his Subjects, to the ruine of the Kingdom and scandal of the Government. A sort of Christian Politicks which the Church of *England* could only learn from the uncharitable bigotry of that same Prince, who cryed out; That he would rather choose to be King of a Countrey without People, then of a Kingdome Peopled with Heriticks: Contrary to the saying of *Adrian*, one of the wisest among the Roman Emperours, That he wished his Empire strengthened rather by the increase of People and Inhabitants, then excess of Treasure. But this was neither the Policy of the Antient Heathens, nor of the more prudent Common wealths and Governments of latter Ages.

Among all the Heathen Nations that we meet with in History, the *Egyptians* were the first from whom all the world beside, the Jews excepted, deriv'd that same Dark Knowledge which the other had of the Gods and Divine Worship. Their early Superstition had set up no less then twelve Divinities to begin withal, who were all worship'd in various Shapes with various Rites and Ceremonies; all which with their severall Portraictures and Sacred Mysteries (for so they call'd the Rites of Adoration belonging to every Idol) the *Grecians* afterwards translated into their own Countrey, and for a while exactly observed the Precepts and Methods of their first Instructors. Here was a great number of Divinities with every one a particular form of worship attending him, and yet we do not find that the *Grecians* were afraid to transport them all into their severall Cities, for fear least the variety of Superstitions, should set their People together by the Ears, while one Priest cry'd up his Divinity, another extoll'd his, and shatter'd the Vulgar into Factions and Contentions, which was the best.

best. No, the Priests were still contented with what followers they had, and every man was left to his freedom to worship what Divinity he pleas'd, as his Affection and Devotion govern'd him. A strange misfortune to Christian Religion, that the Heathens should be so conformable in the midst of so much varietie of feign'd Divinities, and we not be able to adjust those few Ceremonies in dispute relating to the worship of the true and one God, when we have his own inspir'd Scripture for our Guide.

In *Athens* there were as many Sects and Opinions daily taught, as there were almost Philosophers in the City; and many differing in their Sentiments even concerning the Gods themselves. Yet the Magistrate was never call'd upon for their Suppression, but rather they were cherish'd and honour'd with Statues after their Death. The Magistrates, Rulers and greatest Captains of that Age were their Hearers and Disciples, adhering at pleasure to whom they thought fit, as their Reason and Judgement lead them. And this publick Toleration it was that render'd *Athens* one of the most Famous and Flourishing Cities of the World. Nor was *Socrates* punish'd for introducing an innovation in their Religion, but because he neither could inform his Judges, nor they were able to understand who that God was, therefore they put him to Death for injuring all the rest whom they believ'd to be as true as his unknown Deity.

I pass but lightly over the *Jews*, by reason they had the knowledge of the true God, and were oblig'd not to engage in the Superstitions of the Heathens; yet were they not so rigid neither as to exclude the *Gentiles* from among them, but had their *Atrium Gentium* for their Reception, altho unconverted; nor did they refuse the Sacrifices and Oblations of the the Kings of *Egypt*,
nor

nor those of *Augustus* and *Liberius*; all which they thought no breach of their Laws to offer up in their Holy Temples.

But to return to the Gentiles, this is farther to be observ'd, that they were so far from Suppressing variety of Opinions, that they took no notice of the many Fables of the Poets, that daily uttered such irreverent and mean Thoughts of their ador'd Divinities, as to make them Robbers, Adulterers and Drunkards; incident to all the frailties, and guilty of all the Crimes that the worst of men can be said to commit. Howsoever these Fables every day made some change or other in their Religion; for the Gods still multiplying by procreation and Canonization of Heroes, *Greece* was so stockt and replenisht with Deities, that they sent whole Colonies of feign'd Divinities among their Neighbours, who gave them free admission, without disputing the Toleration of their new invented Sacrifices, Lustrations and other Superstitions, tho perhaps never heard of before. 'Tis true, their Gods would be sometimes out of humour; but their particular Priests had a care how they pusht their feigned Anger too far, & found out a way by some Oracle or other to understand their meaning and set all right again. However it shews that had the Priesthood been as captious then, as some of ours at this time, they might have put so many Capricio's into the heads, sometimes of one, and sometimes of another Idol, as might have given the Civil Magistrate no small vexation.

Among the Romans the Catalogue of their Gods exceeded Thirty Thousand; and their forms of Worship were as various as they. For their God *Pan* they had their *Luperci* and *Lupercalia*. For *Ceres* their secret Mysteries and Female Priests. For *Hercules* they had their *Potitij* and *Pimarij*. They had also their *Arval Frater-*

any, and their sixty *Curiones* to offer up Sacrifice in be-
 half of the several *Curie* or Parishes in *Rome*. They
 had their Colledge of *Augurs*, and their *Flamin's*; for
Mars they had their *Salij*; for their Goddess *Dea Bona*,
 they had their *Vestal Nuns*; for *Cybele*, their *Galli* and *Co-
 rybanes*. All this lookt like the Variety of our Sects
 and Opinions at this day; and yet we never hear of those
 Contentions, Disputes and Enmities that rage among us.
 They never incens'd the Magistrate to Persecution, but as
 they agreed singly together, so they agreed in the whole;
 or if any difference happened among them in point of
Religion, 'twas but repairing to the Colledge of *Pontiffs*,
 where their questions were immediately resolv'd, and
 their determinations never contradicted. And for a
 farther mark of this general Toleration, we find the
Pantheon erected, and after it was burnt down, Rebuilt
 by *Adrian*, where all the Gods were worshipped in
 common. Moreover we find mention made in *Suetoni-
 us* of *Collegia antiqua et Sacra*, in the Plural Number,
 upon which *Cujacius* Animadverts, *That the Senate and
 Princes of the Roman People permitted several Colledges as
 well for the Exercise of Forraign Religion, as of that of
 their own Countrey: And Augustus* confess, *That he per-
 mitted the Colledges and Assemblies of the Jews, because
 he found them to be the Schools of Temperance and Justice,*
not as they were reported, the Seminaryes of Sedition.

To proceed to the *Christians*, They were no sooner
 grown numerous, but we find them muster'd in the
 Armies of the Heathen Emperours, and tolerated with-
 out disturbance by *Commodus*, tho a bad Prince; in
 whose time *Pontienus* set up a School in *Alexandria*,
 where he publicly Taught the *Christian Religion*. *A-
 lexander Severus* gave public Toleration to the *Christians*,
 in so much that when a Complaint was made to him
 by the Rabble that kept public Tipling-Houses, that
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the *Christians* had taken possession of a place to Build a Church in the ground that belonged to them, he return'd for his answer, *That 'twas much better that God should be Worshiped in that place after any form, then that it should be allow'd for Houses of Debauchery.* And thus we find that Toleration of Religion was allow'd so long as *Heathenism* continued in the World.

To these succeeded *Constantine*, the first of all the *Roman* Emperours that made open Profession of *Christianity*. By whom we find such an Indulgence given not only to the *Christians*, but to all manner of Religions, with the consent of his Collegue in the Empire, *Licinius*; that we could not omit the Insertion in this place of the most material part of it.

At what time, I Constantine Augustus, and Licinius Augustus happily met at Millain, and had in Consultation whatever might conduce to the public benefit and security; among the rest we thought those things were first to be taken care of, which would prove most profitable to most men, as relating to the Worship of the Supreme Deity; to which purpose we thought fit to grant to the Christians and all others, free Liberty to exercise what Religion every one best approv'd, to the end we might render that Supreme Divinity who sits in his Celestial Throne, propitious to Us and all the People under our Dominion: Wherefore following this wholesome Counsel, and the Dictates of right Reason, we thought it our safest and wisest course not to deny Liberty to any one, who either followed the Profession of the Christians, or additied himself to any other Religion which he thought most agreeable with his Judgment, that the most High God, to whom we freely and heartily yield Obedience, may afford us his wonted Favour and Kindness in all our Enterprizes. For this reason we give your Excellency to

This was finished before the Translation of Lactantius, and therefore as not being borrowed from him, I thought fit to let it pass with this Advertisement.

understand that it is our pleasure, that all Restraints formerly appearing in your Office in reference to the Christians being disannul'd; we do now Enact sincerely and plainly, That every one who has a mind to observe the Christian Religion, may freely do it without any disturbance or molestation. Which we have thought fit fully to signify to your Excellency, to the end you might understand that we have given free and absolute leave to the Christians for the Exercise of their Religion. And as we have granted this Indulgence to them, so your Excellency is likewise to understand that we have granted the same open and free Liberty to all others to Exercise the Religion to which they have chosen to adhere, for the Tranquility of our Reign, to the end that every one may be free in the Election of his Worship without any Prejudice from us, either to his Honour or to his Religion. And this we thought fit moreover to decree in reference to the Christians, that their Meeting-Places be restor'd them without any hesitation or delay, and without the demand of any Fees or Sums of Money: And if any Fines or Mulcts have been Sequester'd formerly into our Exchequer, or taken by any other Person, that the same be also restor'd them without the least Diminution. Or if they have any Favour to request further at our hands, let them make choice of any of our Advocates to take care of their Affairs. [The rest I omit, as less pertinent to our purpose.]

But after them, when the Emperours began to lend an Ear to Ecclesiastic Rigour, and Sects became Predominant as they were guarded by the Power and Protection of the Civil Magistrate, 'tis a strange thing how soon the several Schisms and Opinions that had taken root under the milder sway of the *Heathens*, began to rend the Church into a thousand Factions; and whereas a single Colledge of Pontiffs would serve the Heathen Priesthood to resolve their Doubts the Determination's of National Councils could not put a stop to the Growing

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Controversies of the *Christians*, but from words they fell to blows; and happy they who could get the Sovereign Prince on their side, for the other were sure to go by the worst. So early was the Civil Power made an Engine to support the Pride and Ambition of Spiritual Contenders. At what time an *Eastychian* Pope, by Name *Horsmisdas*, having the upper hand, gave this *Motto* for answer to all that admonish'd him of his Severity. *Nos Imperare volumus, nos Imperari nolumus*. It were to be wish'd that this *Motto* may not have got too much Footing in *England*.

And now *Liberty of Conscience* seem'd for a time exterminated from the Earth, till we meet with it again among the *Goths*, who as *Procopius* alledges, would never in the height of all their Conquests, compel the vanquished to embrace the *Religion* which they professed, but left them to their own: it being always the Maxime of Rulers truly generous, to engage men rather as their Friends then as their Slaves, thinking themselves far more safe in a free, then in a compell'd Obedience.

But to descend to latter times, we find that even among the *Mahumetans*, all over *Turky*, no man is compell'd to embrace the *Mahumetan* Superstition, but that all People, unless the Professors of *Heathenish Idolatry*, are left to the exercise of their own *Religion*. And this, as several Authors observe, was at first the chiefest means by which the *Turks* enlarged their Empire over the *Christian* VWorld. For that many People rather chose to live under the *Turk*, permitting them the Liberty of their *Consciences*, then under the Exorbitant Tyranny of the *Spanish* Inquisition. And further, others observe, That nothing has rendered the *Turk* more powerful then the King of *Spain's* Expulsion of all the *Moors* and *Turks* out of his Territories, in the Year 1609,

at what time above a Hundred and twenty Thousand of those Exiles retir'd into *Africa* and other parts of the *Turkish* Dominions, to the great benefit of the *Turks*, who learnt from them to Combat the *Europeans* with their own Weapons, and their own Arts of War.

The *Persians* give Liberty to the *Melchites* under the Patriarch of *Antiochia*, who obstinately maintain all those Errors that were condemn'd by the *Synod of Florence*; together with the *Nestorians* and Christian *Armenians*, who have no Patriarchs of their own; nor are the *Roman Catholics* excluded the chief City of *Ispahan*. To which we may add their Toleration of the *Jews*, and the Dissenting Sects in their own Religion.

In *Poland*, tho generally the Nobility adhere to the Church of *Rome*, yet they prohibit none; and the mixture of *Lutherans*, *Calvinists*, *Socinians*, *Anabaptists*, *Greeks* and *Jews*, who there enjoy most ample Privileges, apparently demonstrates, well-constituted Government to be no Enemy to Liberty of Conscience. Nor does the scrupulous *Muscovite* exclude those of the *Augustan* Confession from having a Church of their own within view of the City of *Moscow* it self.

That the *Switzers* are a Prudent People appears by the permanent constitution of their Government, by them upheld and propagated for so many Ages together; their Concord has rendered them Populous, and their Populousness has made them formidable to all the Neighbouring Princes, by whom they have been all along courted for their Assistance, and to whom they have been beholding for the chiefest part of their Conquests. All this while a People half *Protestants*, half *Catholic's*, yet in general so equally unanimous, and in some particular Cities so peaceably intermix'd, that you never hear among them, since they first leagu'd together for the common Security, of any Quarrels or Contentions for Superiority; or of any Fines, Imprisonments, or Banishing of the Dissenting parties; nor do they refuse their Protection to any that fly from other Countries to seek Tranquility of Conscience among them. There is the same mixture of the two Professions of *Poperly* and *Calvinism* among the *Grisons*, and the same Unanimity; and this Confirm'd by the league of the *Ten Jurisdictions*, by which all Disputations concerning Religion are forbid, to prevent Exasperation and Contests among Nations and Friends, tho differing in Opinion,

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In *Venice* the *Roman Catholic* Religion prevails; yet such is the Prudence and Generosity of the Government and Governours; that they cannot deny to others that Liberty which they enjoy themselves; in so much that tho they admitted the Inquisition into their Territories, yet they fil'd it's sharp Fangs in such a manner, that the malice and fury of it was render'd inefficual; for they decreed, that the Inquisition should not meddle either with Witches or Inchanters; nor with those that should offer to Buffet an Image, or Lampoon the Vices and Disorders of the Clergy, nor indeed have any power to prohibit the Printing of any Books whatever. That it should have no power over Blasphemy, or such as married two Wives; nor in causes of Usury. That it should have no Jurisdiction over *Jews*; *Infidels*, or those that follow the Ceremonies of the *Greek Church*; nor any Authority over any secular Trade or Profession; and in all other Causes whatever that were brought before the Tribunal of the Inquisition, they reserv'd to themselves the Examination, Judgment and final Determination of the Matter; which indeed was an absolute Toleration of *Jews*, *Infidels* and *Greek Christians*, and under that Notion, of all other Opinions that they pleas'd themselves.

As to Witches, They gave this reason why the Inquisition should not meddle with them, *For that they were generally Women, a poor People Craz'd in their Understandings, and therefore more fitting to be instructed by the Minister, then punished by the Judge.*

As for Blasphemy, the punishment of it belong'd to the Civil Magistrate; and so for Bigamy and Usury.

As to the Toleration of *Jews*, &c. they argu'd from *St. Paul*, *That the Ecclesiastical Authority had no power over those that were not in the Church.* And in behalf of the *Greeks* they urg'd, *That the Difference and Disputes between the Greek and Roman Church were yet Undetermined, and that therefore it was not fit the Church of Rome should be Judge in her own Cause.*

Lastly, Against the Prohibition of Books they pleaded, *That it was the way to stifle Learning, and prevent the coming forth of many good Books, necessary for the Instruction of Man-kind.* That it belong'd only to the Civil Magistrates to prevent the Enormities of Scandalous Writers, and therefore that the Ecclesiastics were not to thrust their Sickles into other mens Harvests. Thus we find the *Venetians*, tho in other things Obedient to the See of *Rome*, yet

in the point of Toleration altogether Dissenting from it; for they believe it to be their Interest to take care, least the People being depriv'd of the Liberty of their Minds, should be alienated in their Affections from the Government; therefore they are contented that the People should enjoy their Liberty, provided they do not disturb the Public Peace.

To return into *Germany*, even in *Vienna* it self, the chief City of the Empire, the Emperour *Maximilianus* the Second allow'd the *Evangelic's* the free exercise of their Religion in the *Monastery* of the *Minorites*, which tho' it were deny'd them by his Son *Rudolphus* the Second, was again by the Indulgence of *Matthias* the Emperour restor'd them; so that they had their public Assemblies at *Hornals*, a Village close by the City; within the Walls, of which they had besides the freedom to Baptize, Administer the Sacrament, and Marry according to their own forms, till *Ferdinand* the Second retracted their priviledges, and forc'd them; whenever the Duty of their Worship required, to go as far as *Presburgh* or *Edenburgh*.

It would be too long to trace the several Regions of *Germany*, where so many Sovereign Princes and Free States, exemplary for their Justice and Moderation, foster *Liberty of Conscience* as the main support of their Governments. 'Twill be enough to mention briefly those of chiefest note; the Dukes of *Saxony*, *Brunswick* and *Lunenburgh*, the Dukes of *Wittenbergh* and *Holsatia*, the Elector *Palatine*, the Duke of *Bavaria*, tho' of the Romish perswasion, the Duke of *Newburgh* and the *Landgrave* of *Hessen*, the Cities of *Ratisbone*, *Frankford* upon the *Main*, and *Spire*, where the *Evangelic's* are allow'd the free exercise of their Religion, and meet every Sunday, from seven till eight in the Morning, and from twelve till one in the Afternoon: not to omit *Auspurg*, where the chief Magistrates of the City are half *Protestants* and half *Papists*; nor those most Noble Emporiums of the Northern parts of *Europe*, *Hamborough*, *Lubeck*, *Breme* and *Dantzick*: to which if we should add the *States* of the United *Netherlands*, it would be only to trouble the Reader with what is known to all the World. And yet the Flourishing condition of these Countries and Territories, the Number of People, and the Tranquility which they enjoy, apparently Demonstrate, That *Liberty of Conscience* is no such Enemy to Man-kind, as to be so rudely barrast'd and exterminated from the Earth with all the Rigors and Executions that render Life uncomfortable.

Having

Having thus established the Truth of *Religious* Toleration upon the Foundations of Scripture, Reason, Authority and Example, certainly the wonder must be very great among discerning Persons, that men who boast a more refin'd Profession of *Christian Religion*, who aspire to Peace, to Love, to Moderation, and Truth toward all men, should with so much Passion and bitter Animosity, exercise their hatred upon their Brethren, for the Niceties of different Opinions; so that if we come to know of what Profession they are, 'tis their Imperfection, not their Perfection that makes the discovery: Which proceeds from hence, *That Ecclesiastical Functions and Dignities are esteem'd for the Benefits and Advantages men reap thereby either of Wealth or Fame.* Which Abuse once crept into the Church, was the first occasion that many men of Evil Principles greedily thirsted after Ecclesiastical Preferments; and that the love of propagating Sacred Religion degenerated into Avarice and Ambition; and that the Church it self was turn'd into a Theater, where the great Doctors studied not the plainness of True Preaching, but to shew the quaintness of their Oratory. They never bent their minds to Teach the People, but to Tickle their Ears into an Admiration of their Elegant Expressions and gingling Satyrs upon Dissenters and Papists, as they thought their Themes would be most pleasing to their Auditors; which did but inflame the Contentions already rais'd, and beget contempt and hatred to themselves, and breed an Animosity not easy to be reconcil'd in them who had been so rudely, tho' undeservedly handled. No wonder then that nothing remain'd of Primitive Religion besides the External Worship (with which the People rather seem'd to flatter then adore the Supream Divinity) and that Faith was now become no other then Credulity and Prejudice. That very Prejudice, that renders men of Rational Creatures, Brutes, as being that which hinders every Man from making Use of his free Judgment, and being able to distinguish Truth from Falshood; and which seems to have been invented on purpose to extinguish the Light of the Understanding. Piety and Religion are made a Compound of Erroneous Mysteries of Humane Policy; and they who condemn Reason, and reject the directions of the Understanding as corrupted by Nature, would themselves be thought to have the Divine Light; tho' had they but the least spark of Divine Light, they would not so proudly insult, but learn more

more Prudently to worship God, and as now in Hatred, so then in Love, to excel the rest of their Brethren. Nor would they Persecute with such an open Hostility, those that cannot in Conscience comply with their Impositions, but rather take pity of their failings, unless they would be thought more fearful of their own worldly Interest, than sollicitous for the others Salvation.

Seeing then that the Establishing of any Religious perswasion by force, is so contrary to Scripture, Reason and common Sense, it remains then that only *Worldly Interest*, and the support of a Domineering Hierarchy, must be the chief Motives that engag'd the late Persecutors to procure those *Penal Laws*, which in contempt of the *Light of Nature*, and their own *Videmus Meliora's*, they put so rigorously in Execution. Laws that punish the very supposition of Crimes and Transgressions in Conceit; Laws that punish the Body with Corporal Vexations for the supposed Transgressions of the Mind and Will; Laws that pretended to dive into the Breasts of Men, and to discover Evil in their Thoughts, as if enacted to torment the Souls of Mankind before their time: In a word, Laws that were abolish'd by Reason as soon as made; for if Laws are grounded upon Reason, and these Laws are contrary to Reason, as it is plain they were, for that Laws are made to redress, not to increase the grievances of the People; then were they null as soon as form'd. For if Laws do not arise out of *Natural Reason*, but are only made to avoid some greater mischief-pretended to be foreseen; we are not rashly to admit of such an Interpretation, as to make that Sinful or Criminal which is otherwise Lawful. Thus to sepearate from the Church of *England*, is a thing no way in it's self Unlawful, and therefore cannot be made Criminal by a Law, there being no natural Equity to make it so, and consequently nor Punishable by the Law. Nor can their Meeting in *Conventicles* be a Crime; for that the Doctrine of men that teach those things which are Just and Honest, can never be fear'd, especially when they are exact in their Obedience to the Magistrates; nor should their private Assemblies be envied or suspected, as being Just and Innocent Men, till they are convicted of being otherwise. And therefore they that Persecute such People, ought rather to be Prosecuted themselves; for that by them the *Law of Nature* is brok'n in doing injustice to them that never offended; and it is but natural equity to punish those that wrong their

their Neighbours without a cause. Which Cause can never be found in a Law made contrary to Reason; in a Law made to gratify the Ambition and Interest of a Single Party, to the disturbance of the Greater part of the Nation, which is contrary to the Common Good, and consequently the End of Law.

Moreover, There is no Humane Law that can command or prohibit an Act, purely directly and *Secundum se*, internal. And this is grounded upon the common Axiome, *Cogitationis Pœna nemo meretur*: no man incurs the Punishment of Thought, for the Law has nothing to do with Internal Acts; and therefore because it cannot naturally and of it self punish those Acts, therefore neither can it either command or prohibit them; for the Legislative Power is Compulsive, and if it cannot be Compulsive as to the inward Act, neither can it make a Law in reference to it:

The reason of this Assertion is, for that the Legislative Power among men is only ordain'd for preservation of the outward Peace and honesty of Humane Community, to which those Acts have no Relation which are conceived in the Mind: Then again this Power springs immediately from Humane Community it self, by the means of Natural Reason. Now there is no Humane Community that can grant a Power immediately and of it self, over Actions meerly Internal, as being altogether without the Limits of its Knowledge, and without the Bounds of its Jurisdiction; for no man is naturally subject to another in his Soul, but in his Body. Therefore said a Learned Schoolman, *He is in an Error who believes that Servitude lays hold of the whole Man; the better part is excepted.* Our Bodies are lyable to our Superiours and Governours, but the Mind is its own Lord and Master.

Then again, The conditions of Humane Laws are, *That the Law must be Honest, Just, Possible, convenient to Time and Place, and conformable to Religion and Reason.*

The Penal Laws are not Honest, because they would enforce men to abandon the worship of God, which in their Consciences they have made choice of, as believing it to be the most free and conformable to Scripture, and to submit themselves to Ceremonies, which they as firmly believe to be no way necessary for their Salvation, but rather contrary to those Sentiments which they have of the Truth of Sacred Adoration.

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They are not just, because they would bereave men of that Christian Liberty which all men have a privilege to claim; and which the most zealous promoters of the *Penal Laws* would take most heavily to be themselves depriv'd of.

In the Second place, They ought to command those things which may be justly observed; but these Laws would enforce men to Sin against the Dictates of their Consciences, the Consequence is easy to any.

Thirdly, The *Penal Laws* are not agreeable to Religion, for they prohibit what the Laws of God allow, which is *Liberty of Conscience*, and uphold what the Laws of God prohibit, which is *Spiritual Tyranny and Dominion* in matters of Religion.

Fourthly, The *Penal Laws* are contrary to Reason and the common benefit of Civil Society; for it is not rational that People should be Imprison'd, Fin'd, and Banish'd, and common security of Liberty and Property be infring'd even to the loss of men lives, and the depopulation of a Kingdom, for pretences over which the Civil Magistrates pretends not to have any Jurisdiction.

Add to this, That to rendering Laws effectual, there are required all the three parts or sorts of Justice. First, *Justitia Legalis*, whose Office is to aim at the Common Good, and consequently to preserve the due privileges of all the Subjects in general: Secondly, *Justitia Commutativa*, which requires that the Legillator command no more then lies in his power. Thirdly, *Distributive Justice*, which takes care that the private good of a few, be not respected more then the public good of the whole Body. In all which parts of Justice, the *Penal Laws* being defective, it follows that they were not duly made, consequently invalid and no way obliging. And this is the Opinion of all the Famous Casuists, *Aquinas, Sæmus, Medina, Caster, Telinus, Panormitanus*, and others, conformable to that of St. *Anselm* himself, l. 19. de *Civitate Dei*. c. 21. *The perverse Constitutions of Men are neither to be accounted nor to be said to be Laws; when that is only to be accounted right and just, which flows from the Fountain of Justice.* Now that it is the intrinsic end of all Laws duly made, to aim at the Common Good, is plain from the Laws of God themselves, which are such, that tho ordain'd by God himself to his own Glory, yet he seeks therein not his own advantage, but the good and benefit of men. In like manner as all Humane Laws

Laws are imposed upon a Community of People, so ought they to be made for the general good of that Community, otherwise they are irregular; for it is against all Justice to reduce the Common Good to Private Interest, or to subject the whole to the part for the parts sake. Another reason may be deduc'd from the end it self, for the end must be proportionate to the Act, its beginning and efficacy. Now the Law is the common Rule of Moral Operations; therefore the first Principle of Moral Operations ought to be the first Principle of the Law; but the end or happiness is the first Principle of Moral Operations; for in Morals the beginning is the end of the Operations, and so the Ultimate end is the first Principle of such Actions; but the Common Good or Felicity of a City or Kingdom is the Ultimate end of it in its Government, therefore it ought to be the first beginning of the Law, and therefore the Law ought to be for the Common Good. Now it is apparent that the *Penal Laws* were made only for the particular good and felicity of the Church of *England* men, all others being by them excluded from the benefit of their native Privileges, that could not in Conscience conform to the Ceremonies of their Worship, to the Ruin and Vexation of many thousands, which was positively against the Common Good and Felicity of the Nation and general Community of the People, divided only in some points of Religion, but in an equal poise of Obedience and Loyalty to the Supreme Magistrate, and therefore justly deserving equal share of provision by the Laws for their Security and Protection. And therefore unless it can be prov'd that it is for the Common Good and Benefit of the whole Nation, that men should be persecuted to uphold the Hierarchy of the Church of *England*, the *Penal Laws* are unduly made, and therefore as of no force, to be repeal'd and annul'd. Therefore the Intention of the *Divine Laws* might have taught the Promoters of these *Penal Statutes* better and more Christian Learning; for therefore are Prelates call'd Pastors, because they ought to lay down their Lives for the good of the Sheep; not the Sheep to lay down their Lives for the good of them: they are call'd Dispensers and not Lords; Ministers of God, not Primary Causes, and therefore they ought to be conformable to the Divine Intention in the Exercise of their Powers: God principally intends the Common Good of men, and therefore his Ministers are bound to do the same. They are Tyrants, not Governours in the

Church, while they seek their own Support and not the Common-Benefit.

As to the *Injustice* of the *Penal Laws*, *ex parte Materia*, in commanding those things which ought not to be observed, this Axiom from thence arises, That no unjust Law can be a Law, and then there lies no obligation to accept it, or to observe it if accepted; for that the Subjects are not only not bound to accept it, but have it not in their power, when the command is clearly and manifestly unjust: as when men are commanded not to meet above such a number under such a penalty, for the Exercise of their Religion according to their Consciences. This is an Evil Command, because it debars men from the free Worship of God; for unless it could be prov'd that the Religion of the Church of *England* is the only True Religion in the World, and they the only Infallible Ministers upon Earth, it is unjust in any Law to constrain others to believe that, which may be as Errorneous in them, as what the other professes: For tho I may believe the Liturgy of the Church of *England* to be the purest form of Supplication under Heaven, yet another may not believe so, neither is it a Crime in him to believe otherwise.

We have said that the *Penal Laws* are defective in point of Honesty, which is another reason why they are invalid, and therefore to be annull'd. For the Immorality of the Precept is contrary to God himself, because it includes a Crime and a Transgression against God, and therefore ought not to be observ'd as no way obligatory: seeing that it behoves us to obey God rather than Man, which is the reason these Laws ought not to be observed, as contradicting our Obedience to God, and subjecting us to the Compulsions of Men.

In the last place, no Law can be valid beyond the Intention of the Legislators. Now it is not rational to think that those Persons who made the *Penal Laws* upon a presumption of danger from Factious and Turbulent Spirits, ever intended those Laws for the punishment of those that liv'd peaceably and obediently toward the Government in all the Passive Duties of good Loyal Subjects, for that had been to make Laws for the punishment of good men, which was never the design of any just and virtuous Legislator in this World. Now then the Presumption of the danger being remov'd by his Majesties most *Gracious Indulgence*, the Foundation of the *Penal Laws* are remov'd, and consequently

sequently the Obligation to them; for it is not to be imagin'd that the Framers of these Laws ever meditated to Establish the Dominion of a Spiritual Oligarchy upon the Ruin of so many Families of Pious and Religious People; and therefore the suspitions which were the grounds of these Laws being vanish'd, the Laws themselves are to be laid aside, as altogether vain and frivolous, and such as have only serv'd to gratify the Revenge and Animosity of their promoters: for we never hear'd of Traytors or Faction's Persons, that were ever try'd upon those Laws, there being others of greater force to take hold of such Criminals.

As for the *Test*, it appears to be an Oath continued to prevent the sitting of any Commoner or Peer in either of the Houses of Parliament, from coming into his Majesties Presence or Court, and from bearing any Office or Employment, Military or Civil, in any of his Majesties Realmes of *England or Ireland, &c.* And they that are to take this Oath, are thereby to abjure the belief of Transubstantiation, Invocation or Adoration of Saints, and the Sacrifice of the Mass, &c.

The Learned are of Opinion, That to make an Oath binding, it is requisite that it refers to things Lawful; for that if the thing promised upon Oath be forbidden either by the Law of Nature, or by the Divine Laws, or Interdicted by the Laws of Men, it has no power to oblige the Swearer.

Now the Question will be whether this Oath does not positively contradict the known Laws of the Land, by enforcing a Peer of the Realm, or any other free-born *English-man* of lower Degree, to accuse himself, with so strong and dangerous a Temptation to Perjury, where the Choice is only this, Either to forswear their Religion, or lose their Native Priviledges and Preferments, and all possibility of advancing their Fortunes. A piece of severity that constrains the inward Belief of the Mind, which God the searcher of all Hearts has reserv'd to himself. That this is an Act contrary to the known Laws of the Land, is undoubtedly true, as is apparent from the great Charter, and several Statutes of the Realm; therefore the *Test* has no power to oblige the Swearer, and consequently to be repeal'd as Useless.

That it is against the Law of God, is apparent from hence, for that there is nothing more strongly prohibited in Scripture,

then to ground a Penal Prosecution upon the enforce'd Oath of the Party without Witness or Accuser.

In the next place it seems a hard case to oblige the Papist to Swear away his Religion, before he has another provided for him by those that Impose the Oath. For certainly Transubstantiation is no point of State : nor does the Doctrine of good Works make a man a good Subject : and it is possible for a Papist to be Loyal to the Supream Authority, and yet believe there is a Purgatory. All these are no Fundamental points of Christian Faith, clearly set down in Scripture, but infer'd from passages and glances of the Text, to which the Answers are believ'd as probable by the Papists, as the Objections against them by us ; and therefore there is no reason they should be so cruelly *Tested* for Doctrines that are but either obscurely reveal'd, or not necessarily enjoyn'd. As little reason is there to enforce this *Test* upon the Papists, when we know that many of our own persuasions would Scruple to take it, and some so nice as absolutely to refuse it. At least it is very severe to compel such as are young and unlearned (for all are not Casuists that enter the Parliament House, or have Preferment in the Kingdom) to Swear that such an Opinion or Doctrine is not true, which they have been always bred up to from their Infancy ; especially to come bluntly upon them without any preceding Instructions or endeavours to convince their Understandings, only Swear or else depart the Kings Presence and quit your Employment.

But all this is done, they say to prevent the growth of Popery, and secure the Publick Peace : as if the taking the *Test* would avail to make a man either a better Neighbour or a better Subject. For Experience tells us, That they who impose this *Test*, confide never the more in those whom they have frighted to take it ; and tho by taking it they may preserve what places they have, yet is it not in it self any step to Preferment. Rather indeed is there less reason to confide in those that are unwillingly drawn to an outward Compliance, then in those that Obstinately refuse to be obliged ; since there can be no greater cause of Hatred and Resentment, then the remembrance of their being compell'd publickly to Swear against their Consciences ; unless their Judgments are really chang'd, and then all Penalties to enforce them are superfluous. Whence it must be concluded, that the *Tests* and all *Oaths* of that nature, are always either absolutely

solutely pernicious or altogether unnecessary: if against the Inward Judgment, damnable, as being the highest degree of Perjury, and Spiritual Murder of the Soul; if according to the Internal Sentiments, useless. More then this, it was the Opinion of *Isidore*, That a man ought to make no scruple to break an Oath that would bind him to a dishonest and unjust Action: for that the promise must needs be wicked that cannot be fulfill'd, but by making a man wicked. And what can make a man more wicked then to renounce his Religion for private Gain? So that if the *Tift*, as it is an Oath that would bind a man to such an unjust Action, as the Renouncing his Religion for Worldly Honour or Preferment, may be so easily broken, to what purpose is it kept on foot? Since it has not power enough to bind the Person that takes it. And indeed, if the power of an unjust Oath were so great as some would make us believe, how deeply are they Perjur'd that took the Covenant and Engagement, yet after that were so Instrumental in Restoring of his late Majesty of Blessed Memory, whose Right and Title to the Crown they had so solemnly abjur'd. But they have their Absolution from St. *Ambrose*, who tells us, *That some Promises cannot be perform'd, nor some others kept without the Violation of our Duties both to God and Man.*

Upon these considerations we have just reason to believe it was, that our Supream Legislator and Sovereign Prince set forth his most Gracious *Act of Indulgence*, thereby to free from Spiritual Bondage, the Enslav'd Consciences of his Suffering Subjects, Groaning under the Tyranny of Ecclesiastical Jurisdiction. Therein truly resembling the Divine Majesty, whose Vicegerent upon Earth he is, while he sheds down down upon all in general, the Rayes of his Christian Compassion, and spreads the Cherubim Wings of his Mercy over multitudes so lately tormented with the Unsanctified Vexation.

He has publicly declar'd it to be his Aim to fix his Government on such a Foundation as may make his Subjects happy in the Enjoyment of their Religion with freedom of Exercise, and their Property without Invasion.

Under the Reign of such a Prince, whom God preserve, what Cause or Grounds can there be for Fears or Jealousies? 'Tis an ill sign of Obedience in Subjects, when they distrust the Solemn Declarations of their Prince: And on the other side, to deny him so small a Recompence for his Excess of Benignity in his

his *Royal Toleration*, as the Repeal of Cruelty and Injustice; Cruelty in the *Penal Laws*, and Injustice in the *Test*; is the highest Ingratitude in the World. Certainly it cannot be thought but that a Monarch so tender of the Liberties and Consciences of his Subjects, must be ill at ease till he has removed those Scourges of Imposition that hang over their Heads in such a Threading posture. And therefore since Sovereign Consideration thinks it meet to have them taken away, 'tis a very rude piece of Obstinacy, to be Froward and Peevish in Opposition to Sovereign Reason.

FINIS.